REMARKS

This listing of claims will replace all prior versions and listings of claims in the application. Claims 1, 3, 14, 35, and 44-46 are amended. No claims are cancelled or added. Claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, 54-55, and 67-74 are currently pending. Based on the arguments below, Applicants respectfully request reconsideration of the claims in view of the amendments and arguments.

EXAMINER INTERVIEW

Applicants' representative (Usman A. Mughal, herein "Applicants") met with Examiner (Abdelnabi O. Musa) and his Supervisor (Jeffrey Pwu) via a telephone conference call on February 02, 2010. Applicants thank the Examiner and his Supervisor for granting the Examiner Interview for the current patent application.

Applicants discussed claim 1. During the interview, Applicants provided reasons why claim 1 is patentable over the cited references (U.S. Patent Publication No. 2004/0019662 of Viswanath et al. (hereinafter "*Viswanath*") and "Java Management Extensions" of Steven Perry (hereinafter "*Perry*")).

Examiner and his Supervisor indicated that the claims may be allowable if those arguments are presented with a response to the Final Office Action. Applicants thank Examiner for such indication and provide arguments in this response as discussed during the Examiner Interview. Applicants also respectfully request Examiner to call Applicants if an amendment is needed to bring the case to allowance.

REJECTION UNDER 35 U.S.C. § 103(a)

Examiner rejects claims 1-3, 5, 7, 11-13, 35-37, 39, 44-46, 54-55, and 67-74 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Viswanath* in view *Perry*. Applicants contend that neither *Viswanath* nor *Perry*, alone or in combination, allegedly disclose all the limitations of claim 1 which is reproduced below. Independent claims 35 and 44 recite similar limitations.

Claim 1 recites in-part the following:

A method for monitoring one or more resources by a monitoring
architecture, the method comprising:

. . .

**continuous monitoring, in real-time, the plurality of resources via the
plurality of runtime beans respectively assigned to the plurality
of resources;**
**registering the monitor beans as a cluster by a server of the
monitoring architecture, wherein the server to serve as a single
point of entry for calling each of the plurality of runtime and
monitor beans; and**
**receiving by the server of the monitoring architecture the continuous
monitoring information from the plurality of runtime beans at
predetermined periodic time periods,** wherein the tree node
associated with each monitor bean within the hierarchical tree
structure provides individual reporting of the corresponding
resource based on the monitoring information received by the
monitor bean represented by the tree node.

Examiner alleges that *Viswanath* discloses continuous monitoring in real-time the

plurality of resources. *Office Action*, p. 4. The section of *Viswanath* that Examiner relies

on allegedly discloses "components of the administration server to be used at runtime for

monitoring and managing the system." *Viswanath*, Par. [0127]. The alleged monitoring

is performed by "monitoring 232." *Id.* at Par. [0128] and Fig. 6. However, Applicants

contend that the term "monitoring" of *Viswanath* is too broad to cover the specific

limitation of "**continuous monitoring, in real time**, the plurality of resources . . . ."

Nothing in *Viswanath* allegedly discloses that its monitoring is performed continuously

and in real-time. It may be that *Viswanath* simply monitors the resources via stale data

and not real-time data being monitored continuously. *Viswanath* states:

> Each server may register a listener with the administration server
> to listen for change notification events generated by the administration
> framework on the administration server. Using this event notification
> mechanism, the listening servers may not need to access the persistent
> store for updates. Instead, the servers receive notifications of changes and
> update their configuration contexts in memory. *Id.* at Par. 030 (emphasis
> added).

Assuming the alleged "listening" is similar to "monitoring" in claim 1, such alleged "listening" is <u>event driven</u> and <u>not continuous</u> as recited in claim 1. This means that while claim 1 continuously in real-time monitors system resources, *Viswanath* only notifies the listening or monitoring servers upon an event—if no event, no need to listen and thus no need to continuously monitor.

Moreover, Examiner explicitly **admits**, later in the Office Action, that "**Viswanath fails to explicitly teach** . . . providing **continu[ous] monitoring, in real time**, of the plurality of resources." See, *Office Action*, p. 4, Par. 03 (emphasis added). This later admission by the Examiner nullifies Examiner's own argument that *Viswanath* discloses "continuous monitoring, in real-time, the plurality of resource . . . ."

Based on the above argument and Examiner's own admission, *Viswanath* does not disclose "**continuous monitoring, in real time**, the plurality of resources . . . ." As mentioned above, *Viswanath* at best allegedly discloses monitoring of resources and not continuous monitoring, in real-time, the plurality of resources." The Examiner is respectfully requested to note the above distinction and to follow his own admission that *Viswanath* does not disclose the above claimed limitation.

Examiner admits that *Viswanath* fails to teach registering the monitor beans as a cluster by a server of the monitoring architecture, wherein the server to serve as a single point of entry for calling each of the plurality of runtime and monitor beans. *Office Action*, p. 4, Par. 03. To cure this deficiency, Examiner relies on *Perry*, in particular sections 1.2 "JMX Architecture," 1.2.1.6 "JMX notifications," and 6.1 "What is the MBean Server."

The JMX Architecture of *Perry* allegedly discloses generally that "[e]very MBean must be registered with the MBean server in order to be managed." *Perry*, § 6.1, Par. 01. However, section 1.2.2.1 of *Perry* qualifies such registry of MBeans. Each MBean of *Perry* is assigned "an object name that **uniquely identifies the MBean** within the MBean server's internal registry." *Id.* (emphasis added). This means that "**[i]f the object name**

used to register the MBean is not unique, the registration attempt will fail because another MBean has already been registered using that object name." *Id.* (emphasis added).

Conversely, claim 1 recites "**registering the monitor beans as a cluster by a server of the monitoring architecture**." If the monitor beans have unique identifications as allegedly disclosed by *Perry*, then they cannot be clustered together because there remains no obvious reason to cluster unique MBeans—**the uniqueness of the MBeans will be lost if the MBeans with unique identifiers are clustered together**. The registering of the monitor beans as a cluster by the server, as recited by claim 1, allows the server to serve as a single point of entry for calling each of the plurality of runtime and monitor beans. As disclosed by *Perry*, if the MBean no longer remains unique, then registration fails. **A cluster of MBeans seems to destroy the uniqueness of the MBeans and so the registration, under *Perry*, will fail**. Hence, *Perry* does not disclose the claimed limitation of "registering the monitor beans as a cluster by a server . . . ."

Regarding dependent claims 14-15, Examiner cites U.S. Patent Publication No. 2002/0186238 of Sylor et al. (hereinafter "*Sylor*") to cure another deficiency of *Viswanath*. *Office Action*, p. 7. *Sylor* allegedly discloses a method and an apparatus for displaying the status of networked resources as fishbone layout. *Sylor*, Abstract; Fig. 2A; Fig. 2B. However, nothing in *Sylor* discloses the process of **continuous monitoring, in real-time, the plurality of resources** which are then received by the server at **predetermined periodic time periods**. Furthermore, *Sylor* does not disclose registering the monitor beans as a cluster by a server of the monitoring architecture, **wherein the server to serve as a single point of entry for calling each of the plurality of runtime and monitor beans**. The lack of such disclosure in *Viswanath* and *Sylor* means that claim 1 is not obvious by the above references because all elements of claim 1 are not disclosed by these references as required by M.P.E.P. § 2141. Claims 14 and 15 depend from claim 1.

Based on the above arguments regarding *Viswanath*, *Perry*, and *Sylor*, claim 1 is not obvious by the cited references. Claims 35 and 44 recite similar limitations as claim 1. The remaining claims depend from independent claims 1, 35, and 44, and by definition include all limitations of their respective independent claims. Accordingly, Applicants respectfully request reconsideration of claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, 54-55, and 67-74 in view of the amendments.

Based on the conversation during the Examiner's interview, Applicants further amend claims 3, 14, and 45-46. The amendments are supported by the Specification, See, for example, <u>Application Specification, Par. [0028] and [0080]</u>.

In summary, Applicants believe that the claims as listed are in condition for allowance. Applicants respectfully request Examiner to reconsider the claims in view of the arguments presented and amendments made following the interview with the Examiner.

CONCLUSION

Applicants submit that they have overcome Examiner's objections to and rejections of the claims and that they have the right to claim the invention as listed in the listing of claims. Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Pursuant to 37 C.F.R. § 1.136(a)(3), Applicants request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. § 1.16 and § 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: February 19, 2010

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